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APPLERA CORPORATION**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MEGAN KELLY,

Case No. C-07-3002 MMC (EMC)

Plaintiff,

**DECLARATION OF MOLLY AGARWAL IN
SUPPORT OF DEFENDANT APPLERA
CORPORATION'S OPPOSITION TO
PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

APPLERA CORPORATION.

Defendant.

Date: July 25, 2008
Time: 9:00 a.m.
Courtroom: 7, 19th Floor
Judge: Hon. Maxine Chesney

I, Molly Agarwal, declare:

1. I am an attorney with the law firm of Littler Mendelson, P.C., counsel of record for Defendant Applera Corporation (“Applera”) in this action. I have personal knowledge of the matters stated in this declaration by virtue of my representation of Applera in this action. I could and would competently testify to the following facts if called as a witness. I make this declaration in support of Applera’s Opposition to Plaintiff Megan Kelly’s Motion for Partial Summary Judgment scheduled for hearing on July 25, 2008.

2. Attached as Exhibit 1 is a true and correct copy of relevant excerpts from Plaintiff Megan Kelly's February 11, 2008 and April 1, 2008 depositions.

1 3. Attached as Exhibit 2 is a true and correct copy of Plaintiff's "Estimated Functional
 2 Abilities Form," completed by her physician, Dr. Andrew Haskell on October 12, 2006, received by
 3 Applera in response to its subpoena.

4 4. Attached as Exhibit 3 is a true and correct copy of relevant excerpts from the
 5 deposition of Stefan Lazar.

6 5. Attached as Exhibit 4 is a true and correct copy of relevant excerpts from the
 7 deposition of Jonathan Laosiri.

8 6. Attached as Exhibit 5 is a true and correct copy of Applera's October 30, 2006 letter
 9 to Plaintiff, which Plaintiff produced in response to Applera's First Request for Production of
 10 Documents.

11 7. Attached as Exhibit 6 is a true and correct copy of Maureen E. McFadden's
 12 December 22, 2006 letter to Applera, which Plaintiff produced in response to Applera's First
 13 Request for Production of Documents.

14 8. Attached as Exhibit 7 is a true and correct copy of relevant excerpts from the
 15 deposition of Dr. Andrew Haskell.

16 9. Attached as Exhibit 8 is a true and correct copy of the February 13, 2007 letter from
 17 Josef Maier, MSPA-C to "To Whom It May Concern," which Applera subpoenaed from Plaintiff's
 18 health care provider.

19 10. Attached as Exhibit 9 is a true and correct copy of the February 23, 2007 letter from
 20 Maureen McFadden to Veronica Jones of Applera, which Plaintiff produced in response to Applera's
 21 First Request for Production of Documents.

22 11. Attached as Exhibit 10 is a true and correct copy of the March 28, 2007 letter from
 23 Charles J. Heinzer to Maureen McFadden, which Plaintiff produced in response to Applera's First
 24 Request for Production of Documents.

25 12. Attached as Exhibit 11 is a true and correct copy of the April 25, 2007 letter from Dr.
 26 Barry Rose to Plaintiff Megan Kelly, which Plaintiff produced in response to Applera's First
 27 Request for Production of Documents.

13. Attached as Exhibit 12 is a true and correct copy of the May 9, 2007 letter from Dr. Barry Rose to Plaintiff Megan Kelly, which Plaintiff produced in response to Applera's First Request for Production of Documents.

14. Attached as Exhibit 13 is a true and correct copy of the May 24, 2007 letter from Dr. Barry Rose to Plaintiff Megan Kelly, which Plaintiff produced in response to Applera's First Request for Production of Documents.

15. Attached as Exhibit 14 is a true and correct copy of the May 25, 2007 letter from Azuka Nwigwe, DPT to "To Whom it May Concern," which Plaintiff produced in response to Applera's First Request for Production of Documents.

16. Attached as Exhibit 15 is a true and correct copy of the May 31, 2007 letter from Dr. Barry Rose to "To Whom It May Concern," which Plaintiff produced in response to Applera's First Request for Production of Documents.

17. Attached as Exhibit 16 is a true and correct copy of Dr. Barry Rose's notes of Plaintiff's clinic visit dated October 11, 2006.

18. Attached as Exhibit 17 is a true and correct copy of Dr. Andrew Haskell's notes of Plaintiff's clinic visit dated September 20, 2006.

19. Attached as Exhibit 18 is a true and correct copy of Plaintiff's "Claimant's Supplemental Statement" for UnumProvident, completed on October 19, 2006.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct and that I executed this declaration on this 7th day of July 2008 at San Francisco, California.

Molly Agarwal
Molly Agarwal